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A Force for Good Governance?

The European Union's normative Power and Standards of appropriate Governing

Hendrik Huelss*

Abstract

The European Union (EU) is often characterised as ultimate normative international actor. Whereas the representations of the EU as alleged 'force for good' are well-researched, there is a lack of investigations into the question how the practice of a putative 'normative power Europe' is related to approaches of good governance. Despite the role of the latter notion in the EU's external relations and system of governance in general, we know little about the potentially diverse meaning of concepts of good governance on the global level. The article analyses the significance of good governance for international governmental organisations and the EU in a comparative perspective. It concludes that the EU is in fact promoting a unique approach of good governance which combines economic and political aspects. At the same time, the focus on functional-technical reforms risks to undermine the operationalization of the EU's political normative power in the practice of external governing.

I Introduction

The first European Security Strategy (ESS) adopted in 2003 posits that the European Union (EU) 'can be a formidable force for good in the world'¹ whilst the Treaty on European Union declares that '[t]he Union shall define and pursue common policies and actions, and shall work for a high degree of cooperation in all fields of international relations, in order to (...) consolidate and support democracy, the rule of law, human rights and the principles of international law' as well as 'promote an international system based on stronger multilateral cooperation and good global Governance'.²

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¹ Council of the European Union, 'European Security Strategy' (2003): 13.

² Treaty on European Union, Art. 21:2.

These statements on normative objectives of the EU's external relations are represented in a broader academic debate epitomised by the notion 'normative power Europe'³ (NPE) which is centred on discerning the qualities of the EU as international actor between norms and interests. A specific segment of works is here considering 'The Substance of EU Democracy Promotion'⁴ which is not least a call for addressing the question to what extent the EU is in fact promoting an agenda of good global governance. In this context, the ESS declares likewise that '[t]he quality of international society depends on the quality of the governments that are its foundation. The best protection for our security is a world of well-governed democratic states. Spreading good governance, supporting social and political reform, dealing with corruption and abuse of power, establishing the rule of law and protecting human rights are the best means of strengthening the international order'.⁵ Remarkably, in the light of the apparently central role of good governance for the EU's external relations, the notion is neither in the focus of governmental nor academic considerations. Instead, there is a diffuse operation with the term, either in differentiation or in reference to fundamental democratic norms. In contrast to the understanding presented in the ESS, it is noted for example in the academic debate that the concept of 'democratic governance is similar to good governance (...) Good governance, however, refers mainly to the effectiveness of governance and need not be democratic'.⁶ Remarkably, the authors of these lines name transparency, accountability and participation as elements of the concept of 'democratic governance' which are also central for notions of good governance as we will see in the pages ahead. Hence, the question is how the EU is trying to enhance the qualities of governments outside of its territory.

This article investigates the origin and role of good governance for the EU's external relations on the backdrop of global governance approaches and of the debate on the EU as normative

³ I. Manners, 'Normative Power Europe: A Contradiction in Terms?', *Journal of Common Market Studies*, 40, 2 (2002): 235-258.

⁴ Special Issue of *European Foreign Affairs Review*, Vol. 16, 2011.

⁵ *Ibid.*, 10.

⁶ T. Freyburg et. Al., 'EU promotion of democratic governance in the neighbourhood', *Journal of European Public Policy*, 16:6 (2009): 917.

power. Fostering modernisation and development as agenda of external governing requires a conceptual understanding of appropriate practices which goes beyond the rather vague mentioning of democracy, human rights and rule of law in various declarations. However it seems that the EU's discourse hardly exceeds the construction of an image of a normative power based on limited fundamental political norms which are also central for academic works. The crucial questions are here: what does good governance mean for the EU as self-proclaimed normative power? How are good governance and the promotion of democratisation related? Is there a unique EU-approach of good governance which underpins the image of a normative actor *sui generis*? These issues address a perspective that Frank Schimmelfennig summarises as 'substance may be non-existent'.⁷ It enquires into the questionable 'existence of an identifiable "model" of democracy' in the EU's external relations.⁸ In contrast to the prevailing assumption that the EU's agenda of liberal democracy is potentially marked by inconsistency in the light of ostensibly contradicting foreign political norms and interests, the article researches the *de facto* consistency of liberal governing that is not limited to the political but comprises also an economic-functional dimension.

The article proceeds as follows: the first section presents the meaning of good governance as approach of global governance applied by international organisations (IOs). The second section analyses the role of good governance for the EU's external relations. The conclusions discuss the relation between EU and non-EU concepts of good governance and their general significance in the practice of the EU's external governing.

⁷ F. Schimmelfennig, 'How Substantial is Substance? Concluding Reflections on the Study of Substance in EU Democracy Promotion', *European Foreign Affairs Review*, Special Issue, 16 (2011).

⁸ Ibid.

II Facets of European and Global Governance

‘Global governance’⁹, ‘governance without government’¹⁰ or ‘good governance’¹¹ are influential terms for research into processes and actors beyond nation states as central authorities. On the backdrop of the article’s topic, the notion of governance is basically used in two different regards: first, it signifies a plethora of approaches in the study of the European Union’s governmental activities.¹² Secondly, good governance stands for a certain normative perspective on the practice of external governing which is relevant for academic and governmental argumentations alike. In that, ‘[t]he main elements of this concept are the respect of basic human rights, a democratic political system, or movements towards one, and low military spending’.¹³ Not least, the notion is also compatible with the aforementioned concept of normative power Europe.¹⁴

In the first context that comprises the internal dynamics of European integration, one of the most important terms is ‘Multi-level Governance’ (MLG) that emerged in the early 2000s and entails the assumption that the EU is characterised as a system of highly interrelated decision-making levels, namely the supranational, national, regional and local level.¹⁵ This implies that the image of traditional structures in which the power of government is located on one single

⁹ M. Zürn, ‘From Interdependence to Globalization’ in: W. Carlsnaes/T. Risse/B. Simmons, eds., *Handbook of International Relations*, (London: Sage, 2002) pp. 235-254. M. Albert, ‘Entgrenzung und internationale Beziehungen: Der doppelte Strukturwandel eines Gegenstandes und seines Faches, in: G. Hellmann/K. D. Wolf/M. Zürn, eds., *Die neuen Internationalen Beziehungen: Forschungsstand und Perspektiven in Deutschland*, (Baden-Baden: Nomos, 2003), 47-97.

¹⁰ J. Rosenau/E.O. Czempiel, eds., *Governance without Government: Order and Change in World Politics*, (Cambridge: Cambridge University Press, 1992).

¹¹ M. Doornbos, “‘Good governance’: The Rise and Decline of a Policy Metaphor”, *Journal of Development Studies*, 37:6 (2001): 93-108.

¹² See B. Eberlein/D. Kerwer, ‘New Governance in the European Union: A theoretical Perspective’, *Journal of Common Market Studies*, 42:1 (2004): 121-142.

¹³ S.C. Zanger, ‘Good governance and European Aid: The Impact of Political Conditionality’, *European Union Politics*, 1:3 (2000): 297.

¹⁴ See A. Niemann and T. de Wekker: Normative power Europe? EU relations with Moldova, *European Integration online Papers (EIoP)*, Vol. 14 (2010), Article 14 <http://eiop.or.at/eiop/texte/2010-014a.htm>

¹⁵ L. Hooghe/G. Marks, *Multi-level Governance and European Integration*, (Lanham: Rowman & Littlefield, 2001). M. Jachtenfuchs/B. Kohler-Koch, ‘Regieren und Institutionenbildung’ in: M. Jachtenfuchs/B. Kohler-Koch, Beate, eds., *Europäische Integration*, (Opladen: UTB, 2003), 11-46. I. Bache/M. Flinders, eds., *Multi-level Governance*, (Oxford: Oxford University Press, 2004).

level, the state, has been overcome. The term governance is hence meant as explicitly contrasting with an understanding of government as hierarchical process of governing. Broadly, governance can be defined ‘as the continuous political process of setting explicit goals for society and intervening in it in order to achieve these goals’.¹⁶ The main assumption of MLG posits that competences of the EU are not only located on different levels but exercised by different actors. Regarding the supranational level for instance, the European Parliament, the European Court of Justice, the European Commission or the Council of the EU are relevant actors. This relocation of decision-making powers potentially induces a significant loss of competences for national governments. In addition, decisions are interconnected between levels and actors which blurs also ‘the separation between domestic and international politics, which lies at the heart of the state-centric model (...)’.¹⁷ In that, governance is strongly linked to an understanding of networks of policy making: ‘growing interest in network forms of governance reflects how modern society, culture, and economy are all increasingly products of relations involving mutuality and interdependence, as opposed to hierarchy and interdependence’.¹⁸

1. Good Global Governance: Political and Economic Dimensions

Considering the second, external dimension, global governance approaches equally aim at offering alternatives to top-down or state-centred perspectives. Analyses of global governance are interested in processes and mechanisms which are not focused on government as synonym of sovereign power and centralised authority but are located above and below the state. In this context, the term good governance gained increasingly importance for inter- and supranational

¹⁶ M. Jachtenfuchs/B. Kohler-Koch (2004), ‘Governance and Institutional Development’ in: T. Diez/A. Wiener, *European Integration Theory*, (Oxford: Oxford University Press, 2004), 99.

¹⁷ Hooghe/Marks, *Multi-level Governance and European Integration*, 4.

¹⁸ J. Peterson, ‘Policy Networks’ in: Diez/Wiener, *European Integration Theory*, 117.

organisations as standards to assess the quality of governmental actions.¹⁹ The notion is primarily relevant for reform suggestions, for instance in development cooperation but also with regard to the conditionality of the European Union's enlargement policies. As Weiss has put it, '[i]n short, actions to foster good governance concentrate on attenuating two undesirable characteristics that had been prevalent earlier: the unrepresentative character of governments and the inefficiency of non-market systems'.²⁰ Although limited in scope, this quote points towards an important aspect to be noted, the role of the political and economic dimension. Good governance seems to naturally represent the normative-political side of global governance but the question is whether governance in the margins of fundamental norms of political liberalism is an understanding of good governance that characterises also the *de-facto* practice of external governing.

Particularly the influence of Milton Friedman eased to anchor the idea that only the maintenance of economic liberalisation would guarantee individual and political freedom. This perspective implies that economic liberalism is a central condition of free societies.²¹ The relation and prioritisation of political and economic liberalism is however an unspecified aspect in the theoretical debate, not least with regard to the European Union as global actor. This is particularly the case since studies rarely go beyond the diagnosis of a perceived tension between liberal-political claims on a meta-level (e.g. EU Treaties) and the lack of normative substance in the EU's external relations. Likewise, we should consider to what degree techniques and instruments of governing are mainly reproducing concepts that are originating in rationalities of international institutions like the World Bank and the International Monetary Fund (IMF). As Dean has put it, '[t]his governmental perception of economic globalization provides the rationale for a range of remarkably similar remedies to

¹⁹ See for example the United Nations Millennium Declaration (2000) or the aforementioned European Security Strategy (2003).

²⁰ T.G. Weiss, 'Governance, Good governance and Global Governance: Conceptual and Actual Challenges', *Third World Quarterly*, 21: 5 (2000): 801.

²¹ See J.G. Merquior, *Liberalism. Old and New*, (Boston: Twayne Publishers, 1991), 128.

be prescribed for the ills of the institutions and the populations in established liberal democracies and for those outside them in “developing” countries (...) There is thus at a minimum some kind of convergence in the processes of economic and political reform undertaken by certain liberal democracies and at least some postcolonial state’.²² The intrinsic link between certain ‘best practices’ as dominant accepted ways of doing things and facets of liberalism, also in terms of what kinds of transformations are expected in target states, is not yet sufficiently researched. Jacqueline Best notes that ‘[g]ood economic policy is increasingly defined in terms of good political practice. In the process, a particular definition of normal politics is being developed, against which poorer countries are being measured and with which they are being encouraged to comply’.²³ There is hence a tendency that political and economic dimensions are merged to an agenda of good governance in which certain technical-procedural practices are confused with a genuinely political programme but in fact lead to a de-politicised approach of non-differentiated governance.

Regarding the above-mentioned ‘definition of normal’, the most important debate on the EU as international political actor in recent years emerged with the concept normative power Europe. In Ian Manners’ words, normative power Europe means ‘the ability to shape conceptions of normal in international relations’.²⁴ Manners posits that the EU’s foreign policy is based on ‘fundamental norms’²⁵, comprising ‘founding principles’ of the Union (liberty, democracy, respect for human rights and fundamental freedoms, rule of law), as well as ‘fundamental rights’ (dignity, freedoms, equality, solidarity, citizenship, justice).²⁶ If we contextualise the aforementioned assumptions about good governance in the concept of normative power, it is apparent that NPE could also be broadened as not only comprising

²² M. Dean, *Governing Societies: Political Perspectives on domestic and international rule*, (Maidenhead/New York: Open University Press, 2007), 128.

²³ J. Best, ‘Why the Economy is often the Exception to Politics as Usual’, *Theory, Culture & Society*, 24:4 (2007): 88.

²⁴ Manners, Normative Power Europe, 239.

²⁵ *Ibid.*, 244.

²⁶ *Ibid.*, 243.

classical liberal political norms but also the interrelatedness of liberal governing practices and conceptions of ‘good’ economic policies, constituting perceptions of ‘normal politics’. In that, political norms are rather functional elements in economic transformations than self-standing objectives in terms of the liberalisation of societies. ‘Conceptions of normal’ turn into standards of appropriateness, translated into benchmarks serving as basis for assessing countries and modelling political programmes. This means also that the technological side of governing as construction of normality represents rather a functional element of governing than norms of universal moral validity. Works that are explicitly considering the relevance of economic aspects are not only widely absent in the discussions about normative power Europe; also most studies operating with good governance as synonym for democracy promotion are bracketing the economic dimension. The analytical implications are first of all to investigate existing understandings of standards of good or appropriate governing in the EU’s practice that could replace the narrow conceptions of NPE with a perspective grasping the political but also economic-functional dimension.

2. Good Global Governance: The procedural-technical Dimension

Ngairé Woods concluded ten years ago that ‘[m]uch more slowly, multilateral organizations have begun to question what *good governance* means for the way in which they themselves are structured and in which they make and implement decisions’.²⁷ Whereas this statement refers to the lack of conceptual clarity of good governance regarding the internal organisation of institutions, it also implies that a clear definition is equally absent concerning standards for the actual practice of external relations, for example in the context of the EU’s relations with non-EU states. Tracing the emergence of good governance as a notion which came up in the

²⁷ N. Woods, ‘Good governance in International Organizations’, *Global Governance*, 5: 39 (1999), emphasis in original.

aftermath of the Cold War and in the context of major transitional processes, not only in Eastern Europe, three elements are dominant as basic features, namely participation, accountability and fairness.²⁸

International institutions besides the EU have referred frequently to procedural-technical aspects to denote general standards for the conduct of governing. For example, the United Nations Development Programme (UNDP) declares that ‘good governance is, among other things, participatory, transparent and accountable. It is also effective and equitable. And it promotes the rule of law’.²⁹ The concept of ‘democratic governance’ mentioned in the beginning suggests the same principles of transparency, accountability and participation as crucial and transfers these viewpoints to the discussion of EU democracy promotion, however in explicit contrast to the notion good governance.³⁰ The added-value of ‘democratic governance’ remains unclear though. Democratic governance as approach that focusses on limited sectoral cooperation in order to promote ‘democratization indirectly, through the ‘back door’ of joint problem-solving’³¹ generally resembles strongly the idea of ‘low politics’ and hopes for ‘spill-over’ processes of neo-functionalism as paradigm of European integration. We might in fact face here simply an externalisation of the EU’s normative order but the question is also to what extent the EU represents a normative power *sui generis* that is not only reproducing a globally dominant discourse of the appropriateness of liberal governance.

Authoritative for anchoring good governance on the international level are particularly IMF and World Bank. The latter argues that five dimensions matter here: ‘public sector management, competitive private sector, structure of government, civil society participation and voice, and political accountability’.³² The World Bank furthermore outlines that ‘[t]his definition goes well beyond effective delivery of public services (even if that is a benchmark

²⁸Ibid., 40-42.

²⁹ <http://mirror.undp.org/magnet/policy/>, date of access: 25/01/2010.

³⁰ Freyburg et. al., EU Promotion of democratic Governance in the Neighbourhood, 917.

³¹ Ibid., 916.

³², date of access: 25/01/2010.

indicator of the quality of governance, a lightning rod for public sentiments about government, and a useful starting point for assessing the quality of governance). And it can also go well beyond the notion of “economic governance” which is typically the focus of most World Bank work on governance’.³³

In a factsheet on good governance, the IMF states that it ‘places great emphasis on good governance when providing policy advice, financial support, and technical assistance to its member countries. The Fund’s approach to combating corruption emphasizes prevention, concentrating on measures to strengthen governance and limiting the scope for corruption’.³⁴ According to the IMF, the concept of good governance was first introduced in the 'Partnership for Sustainable Global Growth Interim Committee Declaration Washington' on 29 September 1996 which highlights the importance of ‘[p]romoting good governance in all its aspects, including by ensuring the rule of law, improving the efficiency and accountability of the public sector, and tackling corruption, as essential elements of a framework within which economies can prosper’.³⁵ Underlining equally the link of functional and economic aspects, the publication, ‘The IMF’s Approach to Promoting Good Governance and Combating Corruption — A Guide’ (2005) declares that ‘[t]he IMF places great emphasis on good governance when providing policy advice, financial support, and technical assistance to its 184 member countries. It promotes good governance by helping countries ensure the rule of law, improve the efficiency and accountability of their public sectors, and tackle corruption. In so doing, the IMF limits itself to economic aspects of governance that could have a significant macroeconomic impact’.³⁶

We see at this clarification that the IMF is explicitly only active in promoting an agenda of appropriate economic-functional governing which is deliberately de-linked from political

³³ Ibid.

³⁴ International Monetary Fund, IMF, *The IMF and Good Governance, International Monetary Fund Factsheet* (2010), 1 (<http://www.imf.org/external/np/exr/facts/pdf/gov.pdf>, date of access: 19/04/2010).

³⁵ <http://www.imf.org/external/np/sec/pr/1996/pr9649.htm#partner>, (Press Release Number 69/49), date of access: 19/04/2010.

³⁶ <http://www.imf.org/external/np/gov/guide/eng/index.htm>, date of access: 19/04/2010.

normative issues. Also the 1997 ‘Guidance Note’ on ‘Good Governance – The IMF’s Role’ limits the meaning of good governance in discussing the relation of political and economic aspects: ‘[a]lthough it is difficult to separate economic aspects of governance from political aspects, confining the IMF’s involvement in governance issues to the areas outlined above should help establish the boundaries of this involvement. In addition, general principles that are more broadly applicable to the IMF’s activities should also guide the IMF’s involvement in governance issues. Specifically, the IMF’s judgments should not be influenced by the nature of a political regime of a country, nor should it interfere in domestic or foreign politics of any member. The IMF should not act on behalf of a member country in influencing another country’s political orientation or behavior’.³⁷ This statement clearly shows the economic-functional understanding of good governance which is not based on political-normative aspects, neither in terms of its content nor with regard to a possible conditionality of the IMF’s involvement.

The overall direction of the IMF’s approach regarding the relation of economic and political issues is however not completely clear. Although concepts of good governance are focussed strongly on procedural aspects, the use of notions like ‘fairness’ rather raises normative expectations instead of limiting good governance to mere economic aspects: ‘IMF policy advice should also make use of the broad experience of countries with different economic systems and institutional practices and be based on the broadly agreed best international practices of economic management and on the principles of transparency, simplicity, accountability, and fairness’.³⁸

In sum, five dimensions are repeatedly highlighted by the IMF as particularly important for defining good governance:

1. accountability (of the public sector)

³⁷ International Monetary Fund, IMF, Good Governance: The IMF’s Role (1997), 4.
(<http://www.imf.org/external/pubs/ft/exrp/govern/govindex.htm>, date of access: 20/04/2010)

³⁸ Ibid. 7.

2. transparency (of the public sector)
3. corruption
4. liberalisation (of the exchange, trade, and price)
5. efficiency (and growth of the public sector)

The functional-technical perception of good governance represented in these lines is certainly not about the promotion of those normative dimensions which are considered as central for a concept like normative power Europe. Political and social considerations are explicitly not relevant for the IMF if they are meant to go beyond a mere promotion of the stability of institutions facilitating economic reform processes. This could serve as example of how an exclusive focus on technical-functional aspects risks reifying de-politicised logics in that standards of ‘efficiency and effectiveness confirm and strengthen relationships of power’³⁹ in global governance. After I have outlined the two dominant dimensions of good governance, a normative-political and a technical-procedural one, the following section shall investigate the role of good governance for the EU’s external relations.

III Good Governance and the EU’s external Relations

Before the EU’s conceptualisation of good governance will be considered, the EU’s normative basis which has been already mentioned with regard to NPE shall be briefly discussed. In studies on the EU as normative international actor, we mostly find a reproduction of a group of principles denoted ‘liberal political values and norms’⁴⁰, ‘fundamental norms’⁴¹ or ‘liberal

³⁹ U. Brand, ‘Order and regulation: Global Governance as a hegemonic discourse of international politics?’, *Review of International Political Economy*, 12:1 (2005): 166.

⁴⁰ F. Schimmelfennig, ‘International Socialisation in the New Europe: Rational Action in an Institutional Environment’, *European Journal of International Relations*, 6:1 (2000): 12.

⁴¹ Manners, *Normative Power Europe*, 244.

values'⁴² for instance. These norms are represented in key documents like the 'Copenhagen Criteria' adopted by the European Council in June 1993, declaring that '[m]embership requires that the candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities, the existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union'.⁴³

The Treaty on European Union (TEU) states that: '1. The Union is founded on the principle of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law, principles which are common to the Member States.'⁴⁴ The TEU is reproducing these fundamental norms also in the context of external governing where it is formulated in article 21, 1, that '[t]he Union's action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law'.

This constitutionalisation of fundamental norms is widely seen as the ultimate reason for considering the EU as international actor fostering democratisation and 'the good' globally.⁴⁵ However insights into the question how normative power is exercised, even if we accept the dominant role of fundamental norms, are limited. What is the relation between the rather vaguely formulated normative agenda and concrete actions and instruments for enhancing the quality of governance? We have seen in the preceding section that the IMF as key institution defining the substance of good governance is explicitly de-coupling the concept from political

⁴² H. Larsen, 'Discourse Analysis in the Study of European Foreign Policy' in: B. Tonra/T. Christiansen, eds., *Rethinking European Foreign Policy*, (Manchester/New York, 2004), 62-80.

⁴³ European Council, Presidency Conclusions, European Council Copenhagen (1993), iii.

⁴⁴ TEU, Art. 4; [2008].

⁴⁵ See for example the discussion in U. Puetter/A. Wiener; 'Accommodating Normative Divergence in World Politics: European Foreign Policy Coordination', *Journal of Common Market Studies*, 45, 5, (2007), 1063-1086.

aspects and furthering functional-technical aspects. The question is hence also whether and how the EU links the dominant political-normative scope and the functional side of good governance that is contrasting with the aforementioned conceptualisation.

In the political discourse, the term good governance appears occasionally, for instance in the context of constructing an image of the EU as normative power promoting political norms in the neighbourhood. Geoff Hoon, then acting President-in-Office of the Council, emphasised during a European Parliament debate that ‘we will continue to work with the Tunisian authorities to implement the commitments on democracy, good governance and human rights that it signed up to in its European neighbourhood policy action plan’.⁴⁶ Good governance is in most cases linked to the well-known fundamental liberal-political norms, as apparent in the example above or in the statement that ‘[t]he European Initiative for Democracy and Human Rights, in the NIS [New Independent States], supports the promotion and strengthening of the rule of law, independence of the judiciary and human prison system, promotion of good governance and fight against corruption’.⁴⁷

General clarifications on concepts of governance have been presented mainly in the context of the formulation of a ‘White Paper on European Governance’ by the European Commission in 2001 which was meant as a contribution to discussions on enhancing democracy and legitimacy within the Union.⁴⁸ Although the White Paper is focussed on the internal aspects of governance, it allegedly ‘looks beyond Europe and contributes to the debate on global governance. The Union should seek to apply the principles of good governance to its global responsibilities. It should aim to boost the effectiveness and enforcement powers of

⁴⁶ European Parliament, debate, ‘Human rights and freedom of the press in Tunisia and evaluation of the World Summit on the Information Society held in Tunis’, Strasbourg, 13 December 2005.

⁴⁷ European Commission, Governance and Development, Communication from the Commission to the Council, the European Parliament and the European Economic and Social Committee, COM (2003) 615 final, 84.

⁴⁸ The Commission also launched a website on governance for this purpose:
http://ec.europa.eu/governance/governance_eu/white_paper_en.htm, date of access: 22/10/2009.

international institutions'.⁴⁹ Furthermore, the White Paper outlines that "Governance" means rules, processes and behaviour that affect the way in which powers are exercised at European level, particularly as regards openness, participation, accountability, effectiveness and coherence'.⁵⁰ The mentioned norms are presented as five central principles of good governance and are similar to the aforementioned five principles outlined by the IMF in 1997. *Openness* refers to the transparency and open communication of institutions. *Participation* is about ensuring 'wide participation throughout the policy chain'⁵¹, however it is not indicated which actors shall be involved here. *Accountability* denotes the responsibility of institutions involved in governing processes. The term *effectiveness* means that all policies shall be carried out in reasonable time and on the most appropriate level. The requirement of *coherence* stands for the need to exercise policies in a consistent manner, also across issues and sectors. Considering the vagueness of these formulations, implications for the practice of good governance are however unclear. In addition, only one section of the White Paper is addressing '[t]he EU's contribution to global governance'.⁵² It sets out in very general remarks that '[t]he objectives of peace, growth, employment and social justice pursued within the Union must also be promoted outside for them to be effectively attained at both European and global level'.⁵³ The document fails to provide for a clarification of the possible practice of global good governance beyond these limited suggestions.

In the context of the composition of the White Paper, two other key documents have been released by the Commission which address explicitly the global perspective of good governance. The first one is 'An Contribution to Better Governance beyond our Borders' of the working group 'Strengthening Europe's contribution to world governance' (Working Group No5). It is the most extensive elaboration of how the EU's understands the meaning

⁴⁹ European Commission (2001), European Governance: A White Paper, COM (2001), 428 final, 5.

⁵⁰ Ibid., 8.

⁵¹ Ibid., 10.

⁵² Ibid., 26.

⁵³ Ibid.

and implications of global good governance for the EU as an international actor. With regard to the central element of the EU's external governing activities, the Working Group states that '[i]n line with its global responsibility, the EU should devote greater attention to the impact of EU policies on third country partners as well as on ourselves, using both economic and noneconomic definitions of well-being; and to promoting a positive view of the scope for cooperation with our partners at global and regional levels'.⁵⁴ This suggestion is an interesting broadening of the understanding of good governance with a focus on 'well-being' of populations in order to move beyond economic definitions. What would be a standard of well-being or how could good governance play into this? The report outlines that 'a broader working definition of governance could be the establishment and operation of "institutions" (in the sense not of organisations but of rules of the game) which define actors and their responsibilities, both in co-operation towards society's objectives and in the resolution of any conflicts that may arise. Institutions can thus be substantive policies, public processes, and even spontaneous behaviour. Good governance is a set of such institutions, which is effective, accountable and legitimate'.⁵⁵ Depending on the definition of these standards, the implications are diverse and could be taken as call for participatory-procedural democracy or as concept arguing for output legitimacy understood as streamlined functional processes.

Both quotes above show that there is a significant lack of conceptual clarity or elaboration on key terms. Whereas there are attempts to consider also non-economic aspects in terms of 'definitions of well-being', it is obvious that these kinds of concepts are diffuse. At the same time they could serve as link between different discourses, for instance the discourse of the IMF on economic normative concepts and the EU's discourse on political normative power. In other words, notions of good governance are generally open to political as well as non-political or economic readings. For the moment, it suffices to note that there is no universally

⁵⁴ White Paper on Governance, Working Group N° 5, *An EU Contribution to Better Governance beyond Our Borders* (2001), 3.

⁵⁵ *Ibid.*, 7.

dominant representation of what good governance implies for the exercise of global governance or for the EU's external governing. We have hence to enquire further into the functional recommendations of governing for identifying a possible dominant target course in the EU's approach.

The above-mentioned Working Group Report presents regulatory aspects as most central for defining an agenda for actions. Bad governance is hence related to the assumption that '[t]he lack of a legal and regulatory framework discourages private enterprise and investment. Transparency and accountability are key factors in establishing trust between the agents of development'.⁵⁶ From the viewpoint of technologies of governing, the report continues presenting five central notions which are considered as 'tools' for developing standards of good governance. These are *integration, participation, benchmarking, non-hierarchical governance* as well as *co-regulation and self-regulation*.

Integration stands for a more holistic approach of policy coherence across sectors and issues. The second norm of participation basically means that 'for the purposes of global governance, the issue of participation arises at two levels: first, the need for broader participation in EU decision making on both matters beyond our borders and EU business affecting third countries, if the EU is to play a leading legitimate role in global governance. Second, the need for broader participation at the global or regional level itself'.⁵⁷ Participation means the involvement of NGOs and the civil society in decision making processes but also the improvement of communication of policy-making to the public. The Report also delivers recommendations for how good governance could work in practice. Benchmarking is linked to a general norm of diversity awareness to 'make it clearer that the economy is run not on a value-free basis for bankers and traders (as some allege) but on a value-labour basis, rooted in

⁵⁶ Ibid., 10.

⁵⁷ Ibid., 16.

the individual freedom that can come from the transactions made possible by the market'.⁵⁸ Referring here to the European Round Table of industrialists (ERT), the report makes clear that '[b]enchmarking is the establishment of empirically generated standards which, without requiring formal endorsement from any interested parties, are accepted as useful points of reference against which to analyse and assess the behaviour of different governments, businesses or other actors'.⁵⁹

The reference to a liberal understanding of governing is apparent which shall not only work on the basis of benchmarking as central normative tool of performance assessment but also be based on individual freedom generated by market-transactions. Co-regulation and self-regulation are elements representing new modes of governing in the context of governance understood as de-centralised form of regulation. 'Co-regulation as a method can be an appropriate policy mix which combines a need for legal certainty of government with the flexible self-regulatory approach. It implies that self-regulation and regulation work together, either as a top-down or a bottom-up approach, i.e. regulation can precede or follow the self-regulatory processes'.⁶⁰ In this regard, governing as regulation is no longer considered as a direct and centralised rule of one actor, for example the EU, over another, but as more flexible net-work- based approach that is not least founded on self-regulative practices.

Two years later, the 'Communication from the Commission' on 'Governance and Development' once again shed light on the meaning of governance and the relation to notions of good governing. It is elaborated lengthy that

'Governance concerns the state's ability to serve the citizens. Such a broad approach allows conceptually disaggregating governance and other topics such as human rights, democracy or corruption. Governance refers to the rules, processes, and

⁵⁸ Ibid., 19.

⁵⁹ Ibid., 20.

⁶⁰ Ibid., 23.

behaviour by which interests are articulated, resources are managed, and power is exercised in society. The way public functions are carried out, public resources are managed and public regulatory powers are exercised is the major issue to be addressed in that context. The real value of the concept of governance is that it provides a terminology that is more pragmatic than democracy, human rights, etc. (...) It can be described as a basic measure of stability and performance of a society. As the concepts of human rights, democratisation and democracy, the rule of law, civil society, decentralised power sharing, and sound public administration gain importance and relevance as a society develops into a more sophisticated political system, governance evolves into good governance. Today governance is generally used as a basic measure of quality and performance of any political/administrative system'.⁶¹

Good governance is here understood as denoting rather an endpoint of societal and systemic development towards democratisation than representing processes which would lead to this objective. In a way, good governance is a culmination, an effect of other reforms and not a primary objective in itself.

Last but not least, regarding the EU's development policy, the Cotonou Agreement which entered into force in 2003 is the current legal basis for relations of the EU with recipients of development aid. These so called 'partners' comprise countries Asian, Caribbean and Pacific (ACP) countries. Article 9 of the Agreement is explicitly focussed on 'fundamental elements regarding good governance'. We find also here the reference to several political but also procedural-technical norms which are presented as basis of good governance: '[r]espect for all human rights and fundamental freedoms, including respect for fundamental social rights, democracy based on the rule of law and transparent and accountable governance are an

⁶¹ European Commission, Governance and Development, 4.

integral part of sustainable development'.⁶² In the same article of the document, there is also a definition of the meaning of good governance for the development of societies: '[i]n the context of a political and institutional environment that upholds human rights, democratic principles and the rule of law, good governance is the transparent and accountable management of human, natural, economic and financial resources for the purposes of equitable and sustainable development. It entails clear decision-making procedures at the level of public authorities, transparent and accountable institutions, the primacy of law in the management and distribution of resources and capacity building for elaborating and implementing measures aiming in particular at preventing and combating corruption'.⁶³

IV Conclusions: The Effects of Constructing Good Governance

Foucault once noted that 'I wanted to study the art of governing, that is to say, the reasoned way of governing best and, at the same time, reflection on the best possible way of governing'.⁶⁴ In the light of this suggestion, the considerations in these pages focussed on constructions of good governance as representations of reflections on the best way of governing. I have analysed, first, concepts of good governing with regard to academic and governmental understandings in the context of global governance. Secondly, I have investigated the meaning and role of good governance for the EU. Overall, good governance is understood in two ways: on the one hand, there is a concept comprising technical-functional aspects. It is basically interrelated with a discourse on liberal economic reforms represented by institutions like the IMF and the World Bank group.

⁶² European Commission, 'Partnership Agreement ACP – EU' [Cotonou Agreement], Brochure, Luxembourg: Office for Official Publications of the European Communities (2006), Art. 9:1.

⁶³ Ibid. Art. 9:3.

⁶⁴ M. Foucault, *The Birth of Biopolitics: Lectures at the Collège de France 1978-1979*, (New York: Palgrave Macmillan, 2008), 2.

Rationalities of good governance in the IMF's discourse

Discourse 1	Economic	liberalisation of trade and infrastructural sectors
	Technical-functional	accountability, transparency, fight against corruption, efficiency and growth

As for the technical-functional notion of governing, the analysis showed that certain formulations like accountability, effectiveness, participation and transparency are concepts which are dominant as standards of good governance for the IMF (discourse 1). Furthermore, the EU constructs integration, participation, benchmarking, non-hierarchical governance and co-/self-regulation as techniques guiding the EU's understanding of the means of governing (discourse 3). It is interesting to note here that these concepts are in fact techniques of governing while a clarification of technologies, i.e. the macro processes of governing is widely absent. This means that the question remains open how and which techniques shall be applied in different situations.

On the other hand, concepts of good governance are represented by a discourse which diffusely emphasises and reproduces 'fundamental norms' (discourse 2). These norms which comprise liberty, respect of human rights and fundamental freedoms as well as democracy based on the rule of law also lie at the core of normative power Europe concepts. Although my analysis considered only a limited number of documents, the concepts identified here link a vast number of EU-documents to the same discourse of a political normative rationality. Altogether, the set of norms which are also central for academic concepts of normative power are indeed representations of the EU's assumption of good governance (normative political discourse); however it is apparent from the analysis that the meaning of these norms is seldom concretised in any way.

Rationalities of good governance in the EU’s discourse

Discourse 2	Political-normative	liberty, human rights, fundamental freedoms, democracy/rule of law
Discourse 3	Technical-functional Techniques of good governance	integration, participation, accountability, participation, transparency benchmarking, non-hierarchical governance and co-/self-regulation

Neither the procedural-technical nor the normative concepts are clearly defined in terms of being standards of what ‘ought to be done’. There are certainly expectations visible but ways of proceeding for the practice of governing are not addressed.

Considering this on the backdrop of theoretical reflections on the rationality of liberal governing, we find apparently a dominance of liberalism in both ideological and technological terms. The programme of governance comprising norms of liberal freedom and universal standards of goodness is blended with concepts like benchmarking and self- or co-regulation as forms of liberal governing. The EU’s strong emphasis of the political-normative dimension in constitutional documents is linked with concepts of procedural standards produced by international institutions. The alliance between liberal norms of individual and economic freedom as well as of liberal techniques of governing is specific for the EU’s approach of good governance.

In the light of the foreign policy objectives in the TEU however, the EU is here only presenting the political-normative good governance discourse as fundamental and hence shifts or broadens its focus rather implicitly by emphasising functional reforms in the practice of governing. This also means that the EU adapts and reproduces the IMF’s functional approach of good governance which is explicitly non-political. The practice of external governance, for example with regard to the briefly mentioned European Neighbourhood Policy (ENP), shows that both discourses are in fact largely representing the overall agenda of governing. It could

be argued that a specific feature of European governance often denoted as ‘Europeanisation’ is precisely this double-track approach which combines political and functional reforms in contrast to the dominant approaches of global governance. Two aspects require further scrutiny: first, how is this genuine approach of good governance carried out in the practice of external governing? The discursive constructions of normative power Europe and functional reforms are well researched. Closer considerations of the ENP or development policy reveal that the EU’s approach of governance as transformative power lacks specific techniques for furthering democratisation. In other words, it is questionable whether benchmarking, co- and self-regulation which are central for the EU’s good governance concept are indeed more than tools for streamlining processes of governing. Procedural-functional principles like accountability, participation and transparency sit somewhat more easily with fundamental political norms but an automatism of functional cooperation that leads to democratisation is questionable. This also implies that we require more research into the potential tension between democratisation and good governance. In the words of Bang and Esmark, ‘[t]he normative program of good governance displays clear tensions with the normative program of democracy, because concerns for good governance may, at times, take priority over and set aside democratic institutions and procedures’.⁶⁵

Secondly, it seems that the functional strain of good governance is compatible to a large extent with illiberal authority and rule. In fact, the fight against corruption, economic liberalisation or increased efficiency and effectiveness improve the performance of governance but do not require a fully-fledged democracy. Therefore, the EU’s double-track approach of political and functional good governance seems promising in this regard. However there is a risk that both dimensions are considered as interrelated but operationalized separately. In other words, the example ENP shows that the EU is intensifying economic and

⁶⁵H. Bang/A. Esmark, ‘Good Governance in Network Society: Reconfiguring the Political from Politics to Policy’, *Administrative Theory & Praxis*, 31: 1 (2009): 8-9.

functional cooperation as well as integration even in the absence of political progress. Action Plans for ‘partners’ in the neighbourhood are elaborated with regard to demands for political reforms. In spite of the absence of political progress, the EU seemed however more than willing to focus almost exclusively on the implementation of technical-functional good governance under the auspices of autocratic regimes before the ‘Arab Spring’ in 2011.

I have argued in these pages in favour of considering the influence of liberal governing beyond the declaratory meta-level of liberal political norms epitomised by normative power Europe. Programmes of governance shaped by the limited arsenal of techniques that emerged and have been developed in economic cooperation and the EU’s experience with functional integration are not necessarily leading to the fulfilment of the wishful thinking about a prevailing normative power Europe – particularly if the EU’s own goal of applying ‘tailor-made’ and ‘differentiated’ approaches to countries is not reached in practice. In that, fundamental norms are not shaping external actions but are in fact operationalized as technical elements.

Reflections should also be directed on diffuse but popular notions like globalisation which are crucial not for offering concise description of processes on an international stage but for representing specific assumptions as universal truth which define programmes of governing. Considering globalisation or global/good governance not as material manifestations but as academic and governmental discourses that are (re-)constructing conditions (e.g. the weakening of nation states), problems (e.g. terrorism, financial interdependence, economic stagnation) and solutions (e.g. liberalisation, privatisation), de-naturalises the circumstances in which governmental responses are produced.⁶⁶ In this regard, good governance is working as a dominant discourse of liberal tenets which are exported as templates modelled according to

⁶⁶See B. Rosamond, ‘Globalization, European integration and the discursive construction of economic imperatives’, *Journal of European Public Policy*, 9:2 (2002): 147-167 and B. Rosamond, ‘Conceptualizing the EU Model of Governance in World Politics’, *European Foreign Affairs Review*, 10 (2005): 463-478.

institutional settings of European and North-American political systems. I have not investigated here to what extent democracy promotion is for instance based on assumptions of unambiguousness which are contested in the light of diverse Western democratic systems or whether these forms of government are indeed ‘best practices’ regardless of cultural, historical and sociological conditions. In the light of democracy promotion by international organisations that faces various challenges like the contestation of democracy as concept, lack of own democratic quality or undemocratic processes of democratisation⁶⁷, good governance can serve as the more comprehensive analytical and governmental approach for the same range of issues. Still, good governance as concept meant to induce concrete reforms towards ‘modernisation’ and ‘development’ equally lacks specification beyond the presentation of a limited number of general suggestions.

To some extent, the EU acts as force for good governance with its specific approach that strives to combine the promotion of political and functional reforms of governance. The *sui generis* character of the EU as international actor is however questioned by the fact that the Union is reproducing dominant rationalities of political-liberal democratisation and economic liberalisation instead of providing for a more differentiated agenda. In this regard, the EU could be considered as normative power fostering specific conceptions of normality which also represent its own approach of internal governance and experience with functional cooperation. On the other hand, the EU is certainly also subject to normative power considering the historical origins of its assumptions about ‘normal’ political processes, societies and modes of governing. The limited insights presented in this article are hence also a call for researching contemporary models of European governance in their historical and sociological genealogy instead of taking notions like Europeanisation as factual reality in which unique concepts are diffused globally by the EU in non-reflexive processes.

⁶⁷ J. de Wilde, ‘The Mirage of Global Democracy’, *European Review*, 19:1 (2011): 5–18.